

ETS STRATEGY OVERVIEW

I. OVERVIEW

- A. OSHA/EPA/Waxman Coordinating/Working Together.
- B. Smoking Ban Legislation Likely to Outpace OSHA -- Only Possible Final Action in 1994.
- C. Waxman Legislation and OSHA Proposal -- Substantively Identical. Key Differences are in Legislation EPA is Regulator and Enforcement is Through Private Citizen Suits.
 - Neither is based on sound science.
 - Smoker segregation requirement of both is unnecessarily extreme.
- D. Acceptable Compromise Requires Aggressive Response from Allies.
 - Organized Labor -- Essentially argues against separating ETS from IAQ and the use of OSHA inspectors as smoking cops.
 - Short run strategy for hospitality could easily become pushing for exemptions.
- E. Integrated Strategy by Allies to OSHA/Legislation Necessary.
 - To keep allies from splintering.
 - To add credibility to weakness of science and extremeness of segregation.
 - To develop enforcement alternatives acceptable.
 - To further develop allies in the filtration industry.

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II. OVERALL STRATEGY

- A. Unify hospitality industry, with organized labor support, to
 - propose alternative legislation, and
 - to support modification of OSHA rule.
- B. Elements of the strategy include
 - Embrace uncertainty in the conclusions of CRS/Forbes Media Critic.
 - Embrace more realistic, less costly separation alternative.
 - Propose legislation to protect nonsmokers from alleged dangers of ETS with acceptable enforcement language

III. IMPLEMENTATION

- A. Initial meeting with members of the hospitality industry/union representation.
 - See the attachment for a list of hospitality coalition members (Attachment A).
 - Meeting with unions (see attached list of union contacts) (Attachment B).
- B. Establishment of hospitality task force.
 - Active participation of Jonathan Tish and other leaders in hospitality industry.Hiring of a scientist by the hospitality task force.
- C. Congressional hearing or other forum for hospitality industry, supported by organized labor, to explain their views.
 - Suggested panels:
 - Hospitality
 - Unions
 - Scientists
 - Filtration and ventilation component companies.

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Elements of testimony/presentation.

- Zero exposure -- unnecessary -- embrace uncertainty of CRS.
 - Proposed separation policy including good filtration and ventilation systems -- sufficient to protect nonsmoker from alleged risks.
 - Enforcement.
- D. Draft outline of final bill containing more reasonable separation requirements and appropriate enforcement mechanisms acceptable to both hospitality industry and union allies.

IV. CONTINUE EFFORTS OF SOUND SCIENCE AT EPA

- Elevating CRS
- Bumpers
- Reopen the ETS

V. GRASSROOTS TO OSHA AND CONGRESS

VI. NEXT STEPS

- A. Executive contacts with members of the hospitality industry.
- B. Communication with members of filtration/ventilation industry to testify at hearings.
 - Evaluate South Carolina ventilation proposal.
- C. Public relation efforts in support of hospitality industry.
- D. Consumer research on acceptability of smoking restrictions advanced by hospitality industry.
- E. Coordination with RJR.

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ATTACHMENT A

Hospitality Industry

1. Hotels
2. Motels
3. Bars
4. Taverns
5. Cocktail Lounges
6. Sports Bars
7. Restaurants
8. Pool Halls
9. Billiard Rooms
10. VFW & American Legion Halls
11. Country Clubs
12. Private Clubs
13. Gambling Establishments
14. Inns
15. Bowling Alleys
16. Bed & Breakfasts
17. Convenience Stores

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ATTACHMENT B

Unions

1. Robert Juliano
Restaurant & Hotel Workers
2. James Savarese
Bakers, Machinist, Sheet Metal Workers, Carpenters
3. Michael Tiner
Teamsters/Mine Workers
4. John Jarvis

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